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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,609	01/17/2002	Brian Lauman	DI-5764 (112713-146)	1135
29200	7590 07/14/2006		EXAM	INER ·
BAXTER HEALTHCARE CORPORATION			GILBERT, ANDREW M	
1 BAXTER PARKWAY DF2-2E DEERFIELD, IL 60015			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/051,609	LAUMAN ET AL.		
		Examiner	Art Unit		
		Andrew M. Gilbert	3767		
The MA Period for Reply	The MAILING DATE of this communication appears on the cover sheet with the correspondence address				
A SHORTENE WHICHEVER I - Extensions of time after SIX (6) MON - If NO period for re; - Failure to reply wit Any reply received	D STATUTORY PERIOD FOR REPLY S LONGER, FROM THE MAILING DA may be available under the provisions of 37 CFR 1.13 THS from the mailing date of this communication. ply is specified above, the maximum statutory period whin the set or extended period for reply will, by statute, by the Office later than three months after the mailing an adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status					
2a)⊠ This action 3)□ Since thi	ive to communication(s) filed on <u>01 M</u> , on is FINAL . 2b) ☐ This is application is in condition for allowar accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Disposition of Cla	nims				
4a) Of the 5) ☐ Claim(s) 6) ☑ Claim(s) 7) ☑ Claim(s)	8-12,56 and 57 is/are pending in the ase above claim(s) is/are withdraw is/are allowed. 8,56 and 57 is/are rejected. 9-12 is/are objected to are subject to restriction and/or	vn from consideration.			
Application Paper	"S		•		
10)∭ The draw Applicant Replacem	ification is objected to by the Examine ing(s) filed on is/are: a) accember any not request that any objection to the dent drawing sheet(s) including the correction declaration is objected to by the Ex	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority under 35	U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of Refere	nces Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)		
2) Notice of Draftsp	erson's Patent Drawing Review (PTO-948) osure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da			

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DETAILED ACTION

Acknowledgements

- 1. This office action is in response to the reply filed on 5/1/2006.
- 2. In the reply, the applicant amended claims 8 and 10 and added new claims 56 and 57.
- 3. Thus, claims 8-12 and 56-57 are pending.

Claim Objections

4. Claims 1-5 in the reply objected to because of the following informalities: claims 1-5 should be numbered 8-12 instead of claims 1-5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 8, 56, and 57 recite the limitation "the disposable cassette" in Ins 13, 13 and 12 respectively. There is insufficient antecedent basis for this limitation in the claim. The examiner recommends changing "the disposable cassette" to read "the disposable unit" as is used elsewhere in the claims or to change all recitations of "the disposable unit" to read "the disposable cassette.

Allowable Subject Matter

7. Claims 8, 56, and 57 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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8. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter: The subject matter of the independent claims could either not be found or was not suggested in the prior art of record. The subject matter not found was an enclosure removably accepting a disposable cassette for flowing fluids through a disposable dialysis unit and an infrared heater having an emitter, a housing enclosing the emitter with an opening configured to face the disposable unit, an infrared transmissive material covering the opening, and a infrared reflector positioned opposite to the infrared emitter such that the disposable cassette is between the emitter and reflector wherein the infrared energy from the emitter is substantially directed toward the infrared transmissive material in combination with the other elements in the claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571) 272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Gilbert

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

Rusi C. Sarmons